

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

FEB 25 2014

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

LEVI SPRINGER,

Plaintiff,

v.

RANDALL MATHENA, *ET AL.*,

Defendants.

Civil Action No. 7:13CV00549

**DISMISSAL ORDER**

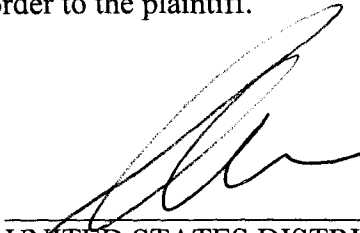
By: Samuel G. Wilson  
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable Pamela M. Sargent, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that the court find Springer is not under imminent danger of serious physical injury as to the claims in his complaint. The parties have not filed objections to the report and recommendation and the court, upon review of pertinent portions of the record, is of the opinion that the report should be adopted. Because Springer has had at three of his previous complaints dismissed with prejudice under 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief may be granted and based upon the finding that Springer is not under “imminent danger of serious physical injury,” Springer may only proceed with this action if he pays the filing fee, 28 U.S.C. § 1915(g), which he has not done.

It is, accordingly, **ORDERED** and **ADJUDGED** that the Report and Recommendation (Docket No. 11) is **ADOPTED**, Springer’s application to proceed *in forma pauperis* (Docket No. 3) is **DENIED**, and this matter is **DISMISSED** without prejudice and **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order to the plaintiff.

**ENTER:** February 25, 2014.



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UNITED STATES DISTRICT JUDGE